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8 Attorneys for Plaintiff  
9 AETNA LIFE INSURANCE COMPANY,  
ON BEHALF OF LEHMAN BROTHERS  
HOLDINGS, INC.

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA

12 AETNA LIFE INSURANCE COMPANY,  
13 ON BEHALF OF LEHMAN BROTHERS  
HOLDINGS, INC.,

14 Plaintiff,

15 vs.

16 THOMAS KOHLER and DIANE KIMSEU  
KOHLER,

17 Defendants.

18 Case No. C-11-00439-CW

19  
20 **STIPULATION AND [PROPOSED]  
ORDER REGARDING WAIVER OF  
RESPECTIVE RIGHTS TO APPEAL  
AND TO MOVE FOR ATTORNEY'S  
FEES AND NONTAXABLE COSTS**

21 This Stipulation is made and entered into by and among Plaintiff Aetna Life Insurance  
22 Company (the "Plaintiff") and Defendants Thomas Kohler and Diane Kimseu Kohler  
23 ("Defendants") (collectively, "Parties") regarding their respective rights to (a) move for attorney's  
24 fees and nontaxable costs and (b) seek reconsideration of or relief from, or appeal the Order  
Granting Plaintiff's Motion for Summary Judgment (Docket #50) (the "MSJ Order") and the  
Judgment (Docket #51) (the "Judgment"). The Parties stipulate and agree to the following:

- 25 1. Defendants shall not, and forever waive all rights to: (a) move for  
26 reconsideration of, (b) move for relief from, (c) appeal, or (d) in any other  
27 manner, challenge or contest the validity of, the MSJ Order and/or the  
28 Judgment.

1 Judgment.  
2  
3

- 4 2. In exchange for Defendants' waiver in paragraph 1, Plaintiff forever waives  
5 all rights to move for attorney's fees and nontaxable costs incurred by  
6 Plaintiff up to the date of this Stipulation;  
7  
8 3. Should Defendants breach the terms of this Stipulation in any way,  
9 Defendants shall be responsible for all attorney's fees and costs that are  
10 incurred by Plaintiff to enforce this Stipulation, as well as the reasonable  
11 attorney's fees and costs incurred in obtaining the MSJ Order and/or the  
12 Judgment.

13 The Parties request that the Court close its file for this matter.

14 IT IS SO STIPULATED.

15 DATED: November 29, 2011

TRUCKER ♦ HUSS

16 By: /s/Clarissa A. Kang  
17 Clarissa A. Kang  
18 *Attorneys for Plaintiff*  
Aetna Life Insurance Company, on behalf of  
Lehman Brothers Holdings, Inc.

19  
20 DATED: November 29, 2011

THE DOLAN LAW FIRM

21 By: /s/Christopher Dolan  
22 Christopher Dolan  
23 *Attorneys for Defendants*  
Thomas Kohler and Diane Kimseu Kohler

24  
25 I attest that my firm has obtained Mr. Dolan's concurrence in the filing of this document.

26 DATED: November 29, 2011

TRUCKER ♦ HUSS

27 By: /s/Clarissa A. Kang  
28 Clarissa A. Kang

**[PROPOSED] ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: December 2, 2011



Hon. Claudia Wilken  
Judge of the United States District Court

Trucker + Huss  
A Professional Corporation  
100 Montgomery Street, 23<sup>rd</sup> Floor  
San Francisco, California 94104

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